

Cooperative Agreement
Between the
U.S. Department of the Interior
and the
U.S. Department of the Army
for
Implementation of Section 707
of
Public Law 95-625

The Secretary of the Interior, acting through the Assistant Secretary for Fish and Wildlife and Parks, and the Secretary of the Army, acting through the Chief of Engineers, herein set forth the terms and conditions of cooperative responsibility to be accomplished pursuant to Section 707 of Public Law 95-625 (92 Stat. 3528), an act amending the Wild and Scenic Rivers Act (16 U.S.C. 1271 et. seq.). The Wild and Scenic Rivers Act is hereinafter referred to as "The Act."

WHEREAS, The recreational segment of the Missouri River in Nebraska and South Dakota was added to the National Wild and Scenic Rivers System to preserve and protect and to make available its resources for public use as generally described in the document entitled, "Review Report for Water Resources Development, South Dakota, Nebraska, North Dakota, Montana," prepared by the Division Engineer, Missouri River Division, Corps of Engineers, dated August 1977.

NOW, THEREFORE, IT IS AGREED THAT:

I. THE SECRETARY OF THE INTERIOR, ACTING THROUGH THE ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, AND THE SECRETARY OF THE ARMY, ACTING THROUGH THE CHIEF OF ENGINEERS, JOINTLY WILL:

(A) Develop and implement detailed plans for acquisition of lands and interests in lands, development, protection and management of the designated river reach incorporating those recreation and bank stabilization aspects, real estate and other requirements necessary to carry out the provisions of the act;

(B) Establish criteria and priorities for river protection measures which are compatible with designation of the segment as a component of the National Wild and Scenic Rivers System;

(C) Establish criteria and procedures to permit access for such pumping and associated pipelines as may be necessary to secure an adequate supply of water for owners of land adjacent of the river;

(D) Confer on budget allocations required to carry out the purposes of the act; and

(E) Establish a conceptual theme for the design of recreational features and development.

II. THE SECRETARY OF THE INTERIOR, ACTING THROUGH THE ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, WILL:

(A) Administer the designated segment as a Recreational River under the provisions of the act;

(B) Initiate efforts to establish a Recreational River Advisory Group which may include members representing those organizations identified in section 3(a)(22) of the act and define the duties and responsibilities of the Recreational River Advisory Group;

(C) Upon request, provide technical assistance to the U.S. Army Corps of Engineers in those instances where the Department of the Interior has unique capability by virtue of law or special expertise required for planning and implementation of the act;

(D) Determine, upon notification by the Secretary of the Army (acting through the Chief of Engineers), or otherwise, if activities are occurring or threatening to occur along the designated river segment which constitute serious damage or threat to the values for which the segment was designated; and

(E) Submit budget requirements through normal Departmental channels.

III. THE SECRETARY OF THE ARMY, ACTING THROUGH THE CHIEF OF ENGINEERS, WILL:

(A) Submit budget requirements for project planning, acquisition of lands and interests in lands, development of interpretive facilities and features, and construction of recreational and stream-bank stabilization;

(B) Submit budget requirements for operations, maintenance and replacement of such features and facilities;

(C) Notify the representative of the Secretary of the Interior and other members of the Recreational River Advisory Group about activities that are occurring along the designated river segment which constitute a threat to the values for which the river was designated and to land and interests in land acquired by the United States, and make recommendations concerning the issuance of a determination by the Secretary of the Interior as provided for in Article II(D) of this Agreement; and

(D) Notify Interior of the congressional budget hearings on the Recreational River so that Interior will be able to testify.

IV. THE SECRETARY OF THE ARMY, ACTING THROUGH THE CHIEF OF ENGINEERS, SUBJECT TO APPROPRIATIONS WILL:

(A) Conduct or cause to be conducted during detailed planning and design for implementation of the Recreational River Management Plan (incorporated herein by reference), and in coordination with appropriate agencies of the Department of the Interior:

1. A survey to determine the sites of historical and archeological resources which may be located within the river corridor;

2. A visual resource analysis to identify any outstandingly remarkable scenic areas which should be protected as part of the Recreational River;

3. An inventory and assessment of wildlife resource values which should be protected and enhanced to maintain those qualities which led to designation of the segment; and

4. A mineral resource inventory and analysis for management of these resources.

(B) Determine the extent and location of streambank stabilization structures and other works necessary to control erosion and the legal interest in lands required for the construction and maintenance of such works;

(C) Further determine, prior to the initiation of construction (or the Federal assumption of maintenance), of any streambank stabilization structure, the extent of additional related lands or legal interests in lands within the same ownership which are required to protect and enhance the river in accordance with the purposes of the act;

(D) Condition the construction or maintenance of any streambank stabilization structure, other works necessary to control erosion, or of any recreational river feature, upon the availability to the United States of such land and interests in land in such ownership as is deemed necessary to carry out such construction and maintenance and to protect and enhance the river in accordance with the purposes of the act.

(E) Acquire in the name of the United States such additional lands and legal interests in lands required to carry out the river preservation and recreational purposes of the act in accordance with normal real estate practices of the Corps of Engineers, section 3(a)(22) of the act, and the requirements of Public Law 91-646;

(F) Design, construct, operate, and maintain the recreation and interpretive features in consonance with the Recreational River Management Plan;

(G) Design, construct, operate and maintain streambank stabilization and river preservation structures;

(H) Seek written cooperative agreements for State or local governmental participation as provided for by section 10(e) of the act; and

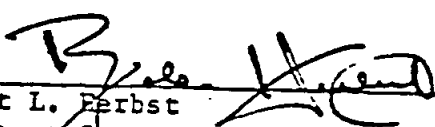
(I) Failing to negotiate adequate protection or willing cessation of activities which threaten the land or interests in land acquired by the United States or which threaten the values for which the river segment was designated, as determined by the Secretary of the Interior, exercise eminent domain or other appropriate remedy to prevent or terminate such adverse activities.

V. RENEGOTIATION OR TERMINATION

Either party may initiate renegotiation or termination of this agreement by 30 days written notice.

U.S. Department of the Interior

By

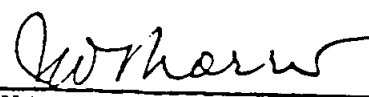

Robert L. Perbst

Assistant Secretary for Fish and Wildlife and Parks

1/4/80
(Date)

U.S. Department of the Army

By


J.W. Morris
Lieutenant General, USA
Chief of Engineers

2/1/81
(Date)